

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

CRIMINAL MINUTES - INITIAL APPEARANCE, ARRAIGNMENT,  
BOND/DETENTION HEARING/PRELIMINARY EXAM

Case No.: 7:15CR00022-001

Date: 5/5/2015

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<b>Defendants:</b> <b>Lloyd Dean Smith, custody</b>	<b>Counsel:</b> <b>Fay Spence, FPD</b>
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PRESENT:	JUDGE:	Robert S. Ballou, USMJ	TIME IN COURT: IA: 11:41-11:53 (12 mins.); Arrgn: 11:53-11:58 (5 mins.); Bond: 11:58-12:35 (37 mins.)
Deputy Clerk:	R. Mills		
Court Reporter:	R. Mills, FTR		
U. S. Attorney:	Kartic Padmanabhan		
USPO:	Sami Cilek		
Case Agent:	H. Durham		
Interpreter:	none		

**INITIAL APPEARANCE AND BOND HEARING**

- Initial Appearance. Defendant(s) advised of charges, rights and nature of proceedings. ID admitted, PC found.
- Government moves to unseal case. Court grants motion.
- Defendant requests appointment of counsel. CJA 23 completed; counsel will be appointed prior to defendant's next scheduled court appearance. Court questions deft. re: fin. status. Arguments by FPD. Oral order appting. FPD w/ dist. Judge to later reconsider if needed.
- Bond hearing held. Record proceedings, witnesses, etc
- Government does not oppose bond.
- Defendant(s) not eligible for bond because state reasons not eligible.
- Bond set at \$25,000 secured by prop. At 348 Boyd Ave. & signed as surety by mother & deft. FPD to provide Clerk w/ copy of deed & tax tickets by Friday; Lien to be filed w/ Floyd Co. Circuit Ct. by Friday & proof sent to Clerk.
- Deft. notified of right to consular notification under the Vienna Convention.

In addition to the standard conditions of release, the following special conditions of release are imposed:

- The defendant shall avoid contact outside the presence of his/her counsel with any alleged victims or potential witnesses regarding his/her case. Term. Internet in home no later than 5 pm tomorrow, or as dir. by USPO; have no internet access thru any other means; no contact w/ any minors; possess no pornographic materials; deft. to surrender to USPO 4 computer hard drives w/ Agent Durham to maintain custody & write receipt that items recd as bond condition and no searches to be made or otherwise used absent Court order or search warrant. Deft. grants permission for agent to have drives but not consenting to search of same.
- The defendant shall report as directed by the probation officer, and shall promptly report any personal status changes to the probation officer: this shall include immediately reporting any contact by law enforcement officers regarding a criminal investigation or any additional criminal charges placed against the defendant; the defendant shall continue to reside at his/her current residence, and shall not change residences without first obtaining permission from the probation officer.
- The defendant shall abstain from the any use of alcohol or any use or possession of any controlled substances unless prescribed by a licensed treating physician for a legitimate medical purpose.
- The defendant shall not possess a firearm or other dangerous weapon and shall reside in a residence free of such. Gun to be removed today.
- The defendant shall submit to random drug and or alcohol testing as directed by the probation officer.
- The defendant shall not travel outside the Western District of Virginia without first obtaining permission from the probation officer.

The defendant shall submit to warrantless search and seizure of his/her person and property as directed by the probation officer for the purpose of determining if he/she is in compliance with his/her conditions of pretrial release. All adults in home to submit.

The defendant shall actively seek and/or maintain employment.

The defendant shall maintain or commence an education program.

The defendant shall surrender his/her passport to the Probation Office to be held pending further order of the court; the defendant shall not apply to obtain a passport. Surrender passport to USPO tomorrow or Thursday.

The defendant shall not associate with any known users/possessors of illegal controlled substances and shall not be present in any location where illegal controlled substances are being used and/or distributed, unless approved by his/her supervising officer in cooperation with law enforcement officers.

The defendant shall be placed on home detention subject to electronic monitoring and all residential absences must be approved in advance by the probation officer. Deft. to pay for elec. Monitoring; Deft. to submit to curfew from 7 pm to 7 am every day.

The defendant shall continue in his/her currentmental health OR substance abuse OR both counseling/treatment program at his/her own expense. Deft. to be eval., w/in 10 days, for MH treatment & counseling at Blue Ridge Behav. And follow all recs.

The defendant shall allow the probation officer open communication with any treatment agencies or health care providers for the purpose of monitoring the defendant's compliance with all treatment requirements.

Any animals on the premises of the defendant's residence must be restrained in a way so as to not interfere with the probation officer's access to the defendant's residence and to ensure the officer's safety.

Defendant advised of penalties and sanctions for failure to appear and/or violating conditions of release.

### **DETENTION**

Government moves for detention. (Can be continued for up to 3 days)

Government moves for continuance of detention hearing.

Defendant(s) moves for continuance of detention hearing. (Can be continued for up to 5 days)

Detention hearing continued to KEYBOARD().

Detention hearing held. Record proceedings, witnesses, etc

Findings of Fact:

### **PRELIMINARY EXAM** (Only if arrested on criminal complaint)

Defendant does not contest probable cause.

Preliminary exam waived. Waiver form executed by parties.

Preliminary Exam held. Record proceedings, witnesses, etc

Probable cause found. Order will enter.

Probable cause not found. Court orders complaint dismissed. Order will enter.

### **ARRAIGNMENT**

Defendant(s) waives reading of Indictment/Information.  Indictment/Information read.

Defendant(s) is arraigned and specifically advised of rights (Rule 11 F.R.C.P.).

### **DEFENDANT(S) PLEADS:**

DEF. #	GUILTY	NOT GUILTY	NOLO	REMARKS
1		all counts		
2				
3				
4				

- Jury trial set for 7/13/2015 at 9:30 am before Judge Dillon.
- Pretrial conference set for Pretrial conference date.
- Defendant(s) remanded to custody.
- Defendant(s) released on bond.

Additional Information: